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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,380	12/29/2003	Jeffrey S. Hovland	2316.1646US01	4932
7590	01/26/2006			EXAMINER
Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903				ROJAS, OMAR R
			ART UNIT	PAPER NUMBER
				2874

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/750,380	HOVLAND ET AL.	
	<b>Examiner</b> Omar Rojas	<b>Art Unit</b> 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 November 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 16-19, 23 and 24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 16, 17, 23, and 24 is/are rejected.

7)  Claim(s) 18 and 19 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 08 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0204,0504,0605,etc.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: *Detailed Action.*

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 16-19 and 23-24 in the reply filed on November 21, 2005 is acknowledged.

***Information Disclosure Statement***

2. The prior art documents submitted by applicant in the Information Disclosure Statement(s) have all been considered and made of record (note the attached copy of form(s) PTO-1449).

***Specification***

3. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

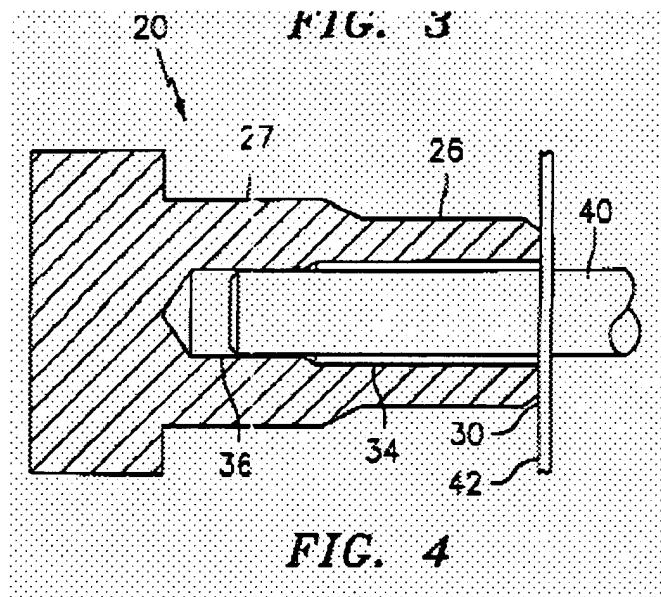
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 16, 17, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,227,717 B1 to Ott et al. (“Ott”)**

Regarding claims 16, 23, and 24, Ott discloses a fiber optic connector assembly (e.g., Fig. 4) comprising:

a fiber optic connector 42 mounted to an end of and terminating a fiber optic cable and a ferrule 40 holding an optical fiber from the cable, the ferrule including a end face;

a plug/dust cap 20 configured to fit about and engage the ferrule 40 of the fiber optic connector, the dust cap 20 positioned about and engaging the ferrule to seal the end face from air-borne particles. Figure 4 of Ott is reproduced below.



Ott only differs from claims 16, 23, and 24 in that Ott does not teach an adhesive tape/cover for holding the dust cap 20 to the connector 42, a center portion of the adhesive tape releasably attached to the dust cap 20 and first and second end portions of the adhesive tape releasably attached to the fiber optic connector 42.

However, adhesive tape is a common household item that can be purchased at many drugstores and hardware stores. As is known to the general layperson, adhesive tape is useful for releasably sticking things together (i.e., attaching a poster to a bedroom wall, for example).

In view of the Ott invention, one of ordinary skill in the art would have wanted to use releasable adhesive tape in order to provide additional securement of the dust cap 20 to the connector 42, i.e., by “sticking” them together. Wrapping the adhesive tape in the manner prescribed by claim 24 would be a simple and obvious method of better securing the dust cap 20 to the connector 42 in Ott using adhesive tape.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to combine adhesive tape with Ott to obtain the invention specified by claims 16, 23, and 24.

Regarding claim 17, the previous remarks are incorporated herein. Ott does not expressly teach using thermoplastic elastomer but does disclose the use of a soft polymer or rubber for the dust cap (col. 4, lines 35-37). The use of a soft polymer or rubber would inherently allow the dust cap 20 to deform somewhat in order to receive the ferrule 40. Thermoplastic elastomer is a well-known conventional type or polymer/rubber. Thus, it would have been obvious to use a conventional type of soft polymer/rubber such as thermoplastic elastomer to make the dust cap 20 of Ott. Therefore, it would have been further obvious to one of ordinary skill in the art at the time of the claimed invention to obtain the invention specified by claim 17.

***Allowable Subject Matter***

8. Claims 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 18-19, the primary reason for allowance of the claims is the inclusion of a body defining an inner cavity with an opening for insertion of the ferrule within the cavity, the opening including a tapered entry and a ledge positioned between an inner end of the tapered entry and an inner wall of the cavity, the ledge defining an opening smaller than the diameter of the ferrule and the cavity having a diameter generally the same diameter as the ferrule.

***Conclusion***

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,712,524 B2 discloses a prior art dust cap for receiving an optical fiber ferrule.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (571) 272-2357. The examiner can normally be reached on Monday-Friday (12:00PM-8:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick, can be reached on (571) 272-2344. The official facsimile number for regular and After Final communications is (571) 273-8300. The examiner's RightFAX number is (571) 273-2357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Omar Rojas  
Patent Examiner  
Art Unit 2874

or  
January 23, 2006

  
AKM ENAYET ULLAH  
PRIMARY EXAMINER